



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Masato SAITO et al.  
Title: ***HEAT- EVOLVING COSMETICS***  
Appl. No.: 10/009,591  
Filing Date: 12/11/2001  
Examiner: Lauren Q. Wells  
Art Unit: 1617

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is responsive to the Office Action mailed on May 20, 2003. The due date for a response is June 20, 2003, thereby making this submission timely filed.

In the Office Action, the Examiner alleged claims 1 – 29 to be generic to a number of patentably distinct species. Pursuant to the PTO's authority granted under 35 U.S.C. § 121, the Examiner required an election of a single disclosed species defined generally by a polyhydric alcohol and/or a polyoxyalkylene glycol adduct, together with "one or more compounds."

In response, applicants hereby elect without traverse, *polyethylene glycol* as the polyhydric alcohol (i.e., component "(a)") and *silicic acid anhydride* as the "one or more compounds" (i.e., component "(b)"). Claims which Applicants believe to "read on" the elected species are claims 1, 3 - 6, 9, 12, 15, 18, 21, 24 and 27.

Applicants now await the first Office Action on the merits. The Examiner is courteously invited to contact the undersigned by telephone if she feels that a telephone interview would advance the prosecution of this application.

Respectfully submitted,

Date June 20, 2003

By Steven M. Reid

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Customer Number: 22428



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PATENT TRADEMARK OFFICE

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Atty. Dkt. No. 016912-0202  
Appln. Ser. No. 10/009,591

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**SECOND PRELIMINARY AMENDMENT**

Mail Stop NON-FEE AMENDMENT  
Commissioner for Patents  
Alexandria, Virginia 22313-1450

Sir:

Prior to a substantive examination of the captioned application, Applicants respectfully request that the following amendments be entered into the application.

The amendments presented below comply with the revised amendment format permitted in the Notice from the Office of Patent Legal Administration of the U.S. Patent and Trademark Office dated February 10, 2003, and published at 1267 OG 106 on February 25, 2003. Thus, the provisions of 37 CFR 1.121(a), (b), (c) and (d) are waived for amendments made in this application to the claims, specification, and drawings.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document. **Remarks** begin on page 9 of this document.

Please amend the application as set forth on the following pages.